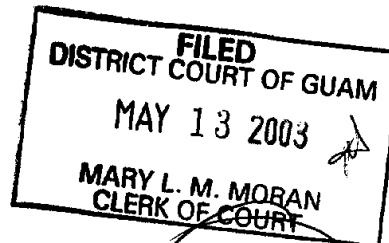


1 \$35000.MFO

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7 Attorneys for United States of America



8 **IN THE UNITED STATES DISTRICT COURT**

9 **FOR THE DISTRICT OF GUAM**

10 UNITED STATES OF AMERICA,) CIVIL CASE NO. 02-00026

11 Plaintiff,)

12 vs.)

13 \$35,000.00 UNITED STATES)
14 CURRENCY,)

15 Defendant.)

**UNITED STATES MOTION FOR
FINAL ORDER OF FORFEITURE**

16 COMES NOW the United States of America, by and through Karon V. Johnson, Assistant
17 United States Attorney for the District of Guam, and respectfully moves this Honorable Court for
18 a Final Order of Forfeiture in the above-entitled cause, and in support thereof represents to the Court
19 the following facts:

20 1. The United States hereby incorporates by reference, as though fully set forth herein, all
21 its averments contained in its Motion for Default Judgment and Issuance of a Preliminary Order of
22 Forfeiture and Memorandum of Law filed on January 16, 2003. This Honorable Court entered the
23 Preliminary Order of Forfeiture on February 10, 2003.

24 2. On March 26, 2003, Carmelleta San Nicolas, the forfeiture secretary for the United States
25 Attorney's Office, delivered by certified mail a copy of the Motion for Default Judgment and
26 Issuance of a Preliminary Order of Forfeiture and Memorandum of Law, Preliminary Order of

ORIGINAL

1 Forfeiture, Request for Entry of Default and Default Judgment, Entry of Default, and Default
2 Judgment to the sole claimant of this property, Charles Kirtley. For the court's reference, Ms. San
3 Nicolas' certificate of service is attached hereto as Exhibit 1. A copy of the original Receipt for
4 Certified Mail Number 7001 2510 0006 8488 2132 is attached hereto as Exhibit 2, and a copy of the
5 United States Postal Delivery Status Report is attached hereto as Exhibit 3.

6 3. The United States has not received any communication or documents from Charles
7 Kirtley, nor to its knowledge has he filed any objection to the Preliminary Order of Forfeiture with
8 this Honorable Court.

9 4. Pursuant to 21 U.S.C. § 853(n), third parties asserting a legal interest in the above-
10 described forfeited properties are entitled to a judicial determination of the validity of the legal
11 claims or interests they assert. The United States has served process on the only person known to
12 the Plaintiff to have an interest in the defendant \$35,000.00 United States Currency, Charles Kirtley.

13 6. The United States published notification of the Court's February 10, 2003, Preliminary
14 Order of Forfeiture in the Pacific Daily News, a newspaper of general circulation on April 5, 2003,
15 April 12, 2003 and April 19, 2003.

16 7. No other third party has made a claim to or declared any interest in the above-described
17 forfeited property.

18 **WHEREFORE**, the United States moves this Court for a Final Order of Forfeiture declaring
19 the defendant \$35,000.00 in United States Currency forfeited as to all parties and vesting full right,
20 title and interest in the defendant \$35,000.00 United States Currency in the United States and
21 directing the United States Marshal to dispose of the defendant real property according to law.

22 Respectfully submitted this 12 day of May, 2003.

FREDERICK A. BLACK
United States Attorney
Districts of Guam and the NMI

By:

~~KARON V. JOHNSON~~
Assistant U.S. Attorney

1 \$35,000.CR1

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FILED
DISTRICT COURT OF GUAM
MAR 26 2003
MARY L. MORAN
CLERK OF COURT

7 Attorneys for United States of America

8 **IN THE UNITED STATES DISTRICT COURT**

9 **FOR THE TERRITORY OF GUAM**

10 11 UNITED STATES OF AMERICA,) CIVIL CASE NO. 02-00026

12 Plaintiff,)

13 vs.)

14 \$35,000.00 UNITED STATES)
15 CURRENCY,)

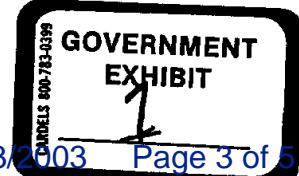
16 Defendant.)

CERTIFICATE OF SERVICE

17 I, CARMELLETA SAN NICOLAS, working in the United States Attorney's Office,
18 hereby certify that on March 26, 2003, I caused to be served, by U.S. Postal Service certified mail
19 return receipt requested, copies of the foregoing documents: **Motion for Default Judgment and**
20 **Issuance of a Preliminary Order of Forfeiture and Memorandum of Law, Preliminary**
21 **Order of Forfeiture, Request for Entry of Default and Default Judgment, Entry of Default,**
22 **and Default Judgment**, in the above-referenced case to the following party: Charles Kirtley,
23 2264 Bagdad Avenue, Orlando, Florida 32833.

24 DATED: 3/26/03

25 
26 CARMELLETA SAN NICOLAS
27 Secretary to U.S. Attorney



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CHARLES KIRLEY
2264 Bagdad Avenue
Orlando, Florida 32833

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Charles K. KIRLEY B. Date of Delivery

C. Signature

Charles

Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

7001 2510 0006 8488 2132

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

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Assistant U.S. Attorney
U.S. Attorney's Office
Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
Hagatna, Guam 96910

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Delivery Status

You entered 7001 2510 0006 8488 2132

Your item was delivered at 4:21 pm on April 09, 2003 in ORLANDO, FL 32828.

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